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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 CHARLES T. DAVIS,
12 Plaintiff,

No. CIV-S-04-0886 MCE/PAN P

13 v.

ORDER

14 EDWARD ALAMEIDA, ET AL.,
15 Defendants.
16 _____/

17 On August 18, 2005, the court dismissed this action and the
18 clerk of the court duly entered judgment. Plaintiff seeks relief
19 from that judgment.

20 Fed. R. Civ. P. 60(b) provides as follows:

21 On motion and upon such terms as are just, the court
22 may relieve a party or a party's legal representative
23 from a final judgment, order or proceeding for the
24 following reasons: (1) mistake, inadvertence, surprise,
25 or excusable neglect; (2) newly discovered evidence
26 which by due diligence could not have been discovered
in time to move for a new trial under rule 59(b); (3)
fraud (whether heretofore denominated intrinsic or
extrinsic), misrepresentation, or other misconduct of an
adverse party; (4) the judgment is void;

1 (5) the judgment has been satisfied, released or discharged,
2 or a prior judgment upon which it is based has been reversed
3 or otherwise vacated, or it is no longer equitable that the
4 judgment should have prospective application; or (6) any
other reason justifying relief from the operation of the
judgment.

5 Plaintiff has not demonstrated through his untimely
6 Objections to Findings and Recommendations that he is entitled to
7 relief from the judgment.

8 Accordingly, plaintiff's August 29, 2005, request is denied.

9 IT IS SO ORDERED.

10 DATE: September 28, 2005

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13 MORRISON C. ENGLAND, JR.
14 UNITED STATES DISTRICT JUDGE
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